

REMARKS

Summary of Office Action

Claims 1-31 were pending in the above-identified patent application. Of those, claims 1-14 and 23-31 had been withdrawn from consideration.

Claims 15-18, 21 and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nagel U.S. Publication No. 2004/0065631 ("Nagel"). Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagel in view of Polvere U.S. Patent No. 4,836,390 ("Polvere").

Summary of Applicant's Reply

Applicant has amended claim 15 in order to more particularly define the invention. Applicant has cancelled claim 19 without prejudice and has amended claim 20 in order to update its dependency accordingly. No new matter has been added and the amendments are fully supported by the original application as filed. The Examiner's rejections are respectfully traversed.

Applicant's Reply to the
Prior Art Rejections

Claims 15-18, 21 and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nagel. Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagel in view of Polvere. These rejections are respectfully traversed.

Claims 15-18 and 20-22

In the interest of expediting the prosecution of the present application and without conceding the issue of

patentability, applicant has amended independent claim 15 to incorporate, among others, the features that were defined by dependent claim 19.

The present invention, as defined by amended independent claim 15, relates to an apparatus that includes (1) a rack configured to store copies of literature consecutively and (2) a ramp disposed within the rack and sloping upwards towards the front of the rack. The apparatus also includes a self-advancing back plate, disposed within the rack and slideably engaged with the ramp, that is resiliently biased to press the stored copies toward the front of the rack.

In connection with now-cancelled claim 19, whose features have been incorporated into independent claim 15, the Examiner concedes that Nagel does not disclose the back plate moving on a ramp, and applies Polvere to make up this deficiency. Office Action, page 5. The Examiner goes on to reason that the proposed combination of Nagel and Polvere would provide "increased ease in use since heavier objects could be advanced down the ramp by their weight." Office Action, page 5.

Applicant respectfully submits that Polvere fails to show or suggest a ramp disposed within a rack and sloping upwards toward the front of the rack, where a self-advancing back plate is slideably engaged with the ramp, as defined in applicant's amended claim 15. Rather, Polvere only discloses stacking articles vertically or on a slope that descends toward the front of the rack. See Polvere, FIG. 4, column 1, lines 7-11 and lines 36-37. Indeed, Polvere states that the downward-sloping arrangement results in aesthetic and functional advantages: "the sloped columns of articles will present a visually pleasing stepped array, and any of the articles may be easily grasped and removed." Column 7,

lines 9-12. Moreover, the downward-sloping nature of the ramp disclosed by Polvere is referenced by the Examiner's comments, which discuss advancing objects down the ramp by their weight. See Office Action, page 5. Accordingly, applicant respectfully submits that Polvere fails to show or suggest a ramp disposed within a rack and sloping upwards towards the front of the rack, where a self-advancing back plate, disposed within the rack and slideably engaged with the ramp, is resiliently biased to press the stored copies toward the front of the rack, as defined by applicant's amended independent claim 15.

For at least the foregoing reasons, applicant respectfully submits that amended independent claim 15 is patentable. Furthermore, any claims that depend from claim 15 are also patentable for at least the same reasons as set forth above in connection with claim 15. Accordingly, applicant respectfully requests that the rejection of claims 15-18 and 20-22 be withdrawn.

Claim 21

Applicant respectfully submits that claim 21, aside from depending from a patentable independent base claim as set forth above, is separately patentable because of the features defined therein. In the Examiner's rejection of claim 21, the Examiner equates element 21 of Nagel with the back plate defined by claim 21 and element 20 of Nagel with the support plate of claim 21. See Office Action, page 4. However, applicant respectfully submits that element 20 is not a "support plate that engages a rear of the back plate," as defined by claim 18, from which claim 21 depends. Rather, element 20 of Nagel extends from the front of element 21. See Nagel, FIG. 1. Therefore, applicant respectfully submits that Nagel does not show or suggest "slots ... provided on

the support plate to allow an extended spring to pass through the support plate," as defined by claim 21.

Claim 22

Claim 22 is listed in the Examiner's rejections on pages 3 and 4 of the Office Action, but the Examiner does not discuss the claim in the subsequent text. If the rejection of claim 22 is maintained, the Examiner is invited to clarify the rejection and show where in Nagel the features of claim 22 are disclosed. As the rejection currently stands, applicant finds no disclosure in Nagel of "the back plate and the energy storage device [being] disposed on a rack insert that may be installed into the rack," as defined by applicant's claim 22.

Conclusion

For at least the reasons set forth above, applicant respectfully submits that this application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,



Chia-Hao La
Reg. No. 57,729
Agent for Applicant
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1211 Avenue of the Americas
New York, New York 10036-8704
Tel.: (212) 596-9000
Fax: (212) 596-9090